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USTR FOR JASON BUNTIN
USDOC FOR TYLER HOFFMAN

E.O. 12958: N/A
TAGS: [ETRD](#) [EINV](#) [KIPR](#) [SA](#)
SUBJECT: EXCLUSIVE MARKETING RIGHTS: SAUDI COMMITTEE FORMED
TO CONSIDER PROPOSAL

REF: A. RIYADH 2139

[1](#)B. RIYADH 2149
[1](#)C. RIYADH 2155

[1](#)1. In a meeting on November 3, Mohamad Al-Aiyash, Chairman of the IPR Committee, informed Emboffs that the SAG has formed a committee to consider the USTR-coordinated Exclusive Marketing Rights proposal to provide patent protection for identified pharmaceutical products that lost protection when Saudi Arabia transitioned to a new patent law in 2004 (reftels). Al-Aiyash is the chairman of the committee, which will also include representatives from the Ministry of Health (MOH) and the King Abdulaziz City for Science & Technology (KACST). Al-Aiyash mentioned that Dr. Khalid Alakeel, Director General of Industrial Property at KACST (the Directorate, which is the Saudi patent office), will serve on the committee. He hopes that the committee will hold its inaugural meeting in the next week or two, but specifically made no promises regarding the timing or content of any decision the committee might make.

[1](#)2. Al-Aiyash claimed that the license to manufacture generic Lipitor was issued despite Pfizer's pending appeal of its denied patent application because the Directorate was not aware of the appeal at the time it informed the MOH that Lipitor did not enjoy patent protection in the Kingdom. This is because the committee to which denied patent applications can be appealed is independent of KACST (its members are appointed by the Council of Ministers). Al-Aiyash suggested that an applicant's lawyers should provide notice to the Directorate when it appeals the denial of its patent application.

[1](#)3. Emboffs encouraged Al-Aiyash to engage directly with the pharmaceutical industry on issues that impact their business in Saudi Arabia. He expressed his understanding that industry has local representatives with which the SAG meets. Emboffs explained that the MOH will only meet with the local distributors of pharmaceutical products, whose interests are often not aligned with those of the multinational pharmaceutical companies. Al-Aiyash said he will raise this issue with the MOH.
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